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July 20, 2020

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

BY ECF
Consent Motion to Change filing schedule

RE: United States v. Robert Wilson, Sr., 16 Cr. 317-17 (PAE)

Your Honor:

At the end of the business day today I was appointed to replace former CJA counsel in representing Mr. Wilson, Sr., on his previously-filed pro se motion for compassionate release.

After accepting the appointment I learned from the prosecutor that there is a motion filing schedule pursuant to which the defendant's attorney is supposed to supplement his papers by tomorrow, July 21st.

I am writing to request a new schedule for the reasons I will state: I am asking that my supplemental paperwork be due on or before August 5, 2020, and that the government be given one week after that to respond.

The reasons for the request are: 1) I have no familiarity with this case, and there are numerous documents to review, both as to the underlying case and as to Mr. Wilson's health status and to communicate directly with Mr. Wilson; 2) I received other appointments today which require immediate attention, and that, along with other deadlines I have to meet on cases I already have (including a brief due tomorrow which is mostly-not-yet written), and finally 3), because I understand that the defendant's application will not meet the requirement of "exhaustion of administrative remedies" until on or about August 5, 2020, because

he did not make an administrative request for relief until on or about July 5, 2020.

I am not eager to delay a matter which affects the health and well-being of my newly assigned client, but I see no other way to make an effective application but to have sufficient time to review everything, communicate with Mr. Wilson, and to draft something reasonably literate on his behalf, for which I respectfully request this extra time.

I have spoken with AUSA Eli Mark who has no objection to the request. I have not, of course, communicated with Mr. Wilson, but I assume he would agree that some additional time is needed to supplement his pro se application.

Thank you very much.

Sincerely,

/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Defendant

cc: AUSA Eli Mark by ECF

The Court has received counsel's letter motion, which appears to be moot following the Court's July 21, 2020, Order granting the relief sought. Dkt. 648. Accordingly, the motion is denied without prejudice to counsel filing another motion clarifying his request.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

August 5, 2020